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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/555,321   | 11/03/2005  | Hisashi Aoki         | 280527US6PCT        | 3930             |
| 22850  | 7590        | 03/19/2008           | EXAMINER            |                  |
| OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.<br>1940 DUKE STREET<br>ALEXANDRIA, VA 22314 |             |                      | DIAO, M BAYE        |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2838                |                  |
|  |             |                      | NOTIFICATION DATE   | DELIVERY MODE    |
|  |             |                      | 03/19/2008          | ELECTRONIC       |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/555,321             | AOKI ET AL.         |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | M'BAYE DIAO            | 2838                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 10 January 2008.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1 and 3-19 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1 and 3-19 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 18 December 2007 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

|  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.   | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

### ***Amendment***

1. Acknowledgement is made of Amendment filed on 12/18/2007. Claims 1 and 3-19 are pending in the application. Claim 2 has been canceled.

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) filed on 11/03/2005 and 11/22/2006 have been considered and placed of record. An initialed copy is attached herewith.

### ***Claim Objections***

3. Claim 15 is objected to because of the following informalities:

The limitation "wherein the second engaging extends" should read -- wherein the second engaging means extends -- (see page 7, line 11).

Appropriate correction is required.

4. For examination purpose, the limitation "wherein the second engaging extends" would read -- wherein the second engaging extends --.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**7. Claims 1, and 3-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tohya et al., (Tohya) US PAT 4,636,703.**

8. As per claims 1, 5, 8, and 11, Tohya et al. disclose (col. 1, ls. 40+; col. 2, ls. 3+; col. 3, ls. 55+; col. 4, ls. 1-57; col. 5, ls. 1-27) and show in Figs. 1A-B,2-4,8, and 12A-C: A battery device housed in a single battery housing chamber (50) (which is defined by the frame structure (1) and the casing (3), see col. 5, lines 34-38) of an electronic device, comprising

a case (1) having side surfaces located on both ends of a width direction (see Figures 2-3), an upper surface (top of casing (3)) and lower surface (bottom of casing (3), since (3) is part of the battery housing chamber (50)) located on both ends of a thickness direction (height of frame (1)), and a front surface (33) (see Fig. 1A) and a rear surface (see Figs. 2-3) located on both ends of a length direction; a charging unit (not shown, see col. 5, ls. 1-20) disposed inside the case (3) (since (3) is part of the housing chamber (50)); and a battery side terminal ((13A,13B,14A,14B, or 36A, 36B see Fig. 1B) or (34A,34B,35A,35B,or 36A, 36B see Fig. 1B) disposed on the front surface (33) of the case (1 or 3) and connected to the charging unit (not shown); wherein

a first engaging recessed part (16) is formed on the side (instead of front) surface of the case (1)(see4 Fig. 1A) of the second battery device (102 or 104) and a second engaging recessed part (16) is formed on the side (instead of front) surface of the case (1) (see Figs. 1A & 4) of the battery device, the first and second engaging recessed parts being separated in the width direction by a gap (see Fig. 1A);

Tohya et al. discloses the claimed invention except for the recessed part being formed on the side surface instead of the front. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to dispose a battery side terminal on the front of the case and connected to the charging unit wherein a first engaging recessed part is formed on the front surface of the case of the battery device and a second engaging recessed part is formed on the front surface of the case of the battery device, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

Accordingly, claims 1, 5 & 8, 6 and 11 would have been obvious.

9. As per claims 3 and 12, Tohya discloses (col. 3, ls. 55+; col. 4, ls. 10-12) and shows in Fig. 1A that the battery device according to claim 1, wherein the battery device (101 or 103 or 102 or 104) device comprises a frame (1) and a film (resin) attached to portions of the frame excluding a front and back side portions of the frame (since the recesses are attached on the side of the case (3), obviously they will exclude the front and back portions of the frame).

Accordingly, claims 3 and 12 would have been obvious.

10. As per claims 4 and 13, Tohya discloses (col. 4, ls. 1-51) and shows in Fig. 1A that the battery device according to claim 3, wherein the film (resin) is attached to the frame (1) so as to wrap around the entire circumference excluding the front and back side portions of the frame (since the recesses are attached on the side of the case (3), impliedly they will exclude the front and back portions of the frame); and the battery device further includes slant parts(15) disposed on side surfaces of the frame (1), which correspond to the side surfaces of the case (3)(as shown in Fig. 1A), each of the slant parts facing toward the side surface of the frame (1) (instead of the front or back side of the frame (1)), an amount of protrusion (18) from the frame being increased starting from the middle position in the length direction of the frame (1) to the front (opened section since the frame is in a form of U shaped, see Fig. 1A below)or back side portion (11) of the frame (1), the slant part making continuous connection to the front and back side portion.

Tohya discloses the claimed invention except for the slant parts facing toward the side surface of the frame (1) instead of the front or back side of the frame (1). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to dispose the slant parts facing toward the front or back side of the frame (1), since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

Accordingly, claims 4 and 13 would have been obvious.

11. As per claims 7, and 9-10, Tohya et al. discloses (see Fig. 4) the battery device wherein the first recessed engaging part (16)(on both sides, as shown in Figs. 1A & 4 ) is formed above the battery (103) terminal (14A, 14B) (see Fig. 1A).

12. Accordingly, claims 7 and 9 - 10 would have been obvious.

13. As per claims 14 - 15, 17, and 19 Tohya et al. discloses (col. 3, lines 55+; col. 4, lines 1-33) and shows in Fig. 1A, that the engaging means (15) extends to a first side and second side surface (pair of arm plates (12)) of the case (frame structure (1)).

Accordingly, claims 14-15, 17, and 19 would have been obvious.

14. As per claim 16, Tohya et al. discloses (see Fig. 4) the battery device wherein the first recessed engaging part (16)(on both sides, as shown in Figs. 1A & 4 ) is formed above the battery (103) terminal (14A, 14B) (see Fig. 1A).

Accordingly, claim 16 would have been obvious.

15. As per claim 18, Tohya et al. discloses (col. 3, lines 55+; col. 4, lines 1-33) and shows in Fig. 1A, that the engaging means (15) extends to a first side and second side surface (pair of arm plates (12)) of the case (frame structure (1)).

### ***Response to Arguments***

16. Applicant's arguments filed 12/18/2007 have been fully considered but they are not persuasive.

17. Applicant argues that Figure 1A of Tohya clearly shows that all of recesses 16 and spaced holes 23A-23C of Tohya. are in *cell accommodation frame structure 1*, and *not* in any of the cells 101-104. Thus, it is respectfully submitted that Tohya does not

teach a *battery device* including "a first engaging recessed part" and "a second engaging recessed part" as defined in amended Claim 1.

18. Examiner respectfully disagrees and submits that first of all both claim 1 and amended claim 1 recite only the limitation of a battery device comprising a case and wherein the **case** not **the cells** comprise a first and second recessed part. Therefore the argument is moot. Even so, Tohya discloses a frame (1) which is part of the battery housing chamber (50) comprising (on both sides) recessed parts (16).

### ***Conclusion***

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M'BAYE DIAO whose telephone number is (571)272-6127. The examiner can normally be reached on 8:30-5:00; First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Akm Ullah can be reached on 571-272-2361. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Adolf Berhane/  
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Primary Examiner  
Art Unit 2838

/M. D./